

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

119

CR No. 8861 of 2015

Date of decision:-24.12.2015

Inderjit

.....Petitioner

Versus

Vishal Kumar Narang and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No

2. To be referred to the Reporters or not? Yes/No

3. Whether the judgment should be reported in the Digest? Yes/No

Present: Ms. Pallavi Singh, Advocate,
for the petitioner.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the order dated 03.09.2015 vide which the appeal against the order dated 08.09.2012 has been allowed and the petitioner has been restrained from alienating the property in dispute in favour of any other person except defendant-respondent No.1 till the disposal of the suit.

Vide agreement dated 05.07.2011, the petitioner-defendant No.1 had agreed to sell the suit property to the respondent No.1- plaintiff for sale consideration of Rs. 15 lacs and out of this amount, Rs. 10 lacs were received by him as earnest money. The respondent No. 1-plaintiff purchased the property with the knowledge that the property had been mortgaged with respondent No. 2-bank. On account of non-payment of dues of the property, the bank had proceeded to put the property on auction. However, on 27.02.2015, counsel for respondent No. 2- State Bank of India made statement

before lower appellate Court that if before 26.2.2015 an amount of Rs. 6,69,715/- is deposited, the bank will not put the property on sale. The said amount was deposited with the respondent No. 2 Bank.

While reversing the order of the trial Court, it has been observed that the plaintiff has placed on record an affidavit stating therein that after payment of Rs. 10 lacs as earnest money, he had appeared before Sub Registrar on 05.09.2011 for registration of the sale deed and had also deposited an amount of Rs. 6,69,715/- with respondent No. 2-bank. The above two facts were sufficient to reverse the order of the trial Court by restraining the petitioner from alienating the property in favour of any other person.

In view of the above, no ground is made out to interfere in the impugned order dated 03.9.2015.

Dismissed.

24.12.2015

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**(RITU BAHRI)
JUDGE**